THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4243 OF 2006

Dated: 13-03-2006

Between

Bheemisetty Jagannadaha Rao,

S/o. Rama Rao, R/o. Jogavani Palem,

Gajuvaka, Visakhapatnam District.

...PETITIONER

AND

The Commissioner,

Municipal Corporation of Visakhapatnam,

Visakhapatnam and another.

...RESPONDENTS

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondents in not permitting him to construct a house in an extent of 200 sq. yards of land in Patta Nos.55, 56 and 57 in Sy.No.17 and 18 (part) of Plot No.58 of Jogavanipalem, Gajuvaka Mandal and Municipal limits, Visakhapatnam District as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner purchased the said land and started construction of house but the second respondent herein is objecting for construction

of the house on the ground that the land is Inam land.

I am not inclined to express any opinion as to whether the said land is Inam land or not as the Revenue authorities have not been impleaded in the writ petition and the only prayer in the writ petition is to direct the respondents to allow the petitioner to construct a house in the said land. Without obtaining permission from the concerned authorities, the question of permitting the petitioner to construct the house does not arise. Therefore, I am of the opinion that the prayer in the writ petition is misconceived and the writ petition is not maintainable.

The writ petition is accordingly dismissed.

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V. ESWARAIAH, J

March 13, 2006

DSK